HON'BLE SRI JUSTICE L.NARASIMHA REDDY

WRIT PETITION No.6688 of 2002

Dated:11.07.2007

Between:

Ch.Krishna Babu.

…Petitioner.

and

The Conservator of Forests, and another.

…Respondents

HON'BLE SRI JUSTICE L.NARASIMHA REDDY

WRIT PETITION No.6688 of 2002

ORDER:

The petitioner states that he purchased a teakwood tree, grown in Sy.No.420/7B of Kolanka Village in East Godavari District, from the owner of the land and tree, by name, Adari Mangayamma and while transporting the same, after cutting into pieces, in a Van, bearing No.AP 5T 727, the vehicle was intercepted on 13.12.2001, and on finding that the timber was not accompanied by transit permit, it was seized. The petitioner agreed for compounding of the offence. Thereupon, the Sub-Divisional Forest Officer, Yeleswaram, the 2nd respondent herein, passed an order on 28.12.2001, compounding the offence, by levying a sum of Rs.53,103/-. Aggrieved thereby, the petitioner filed an appeal before the Conservator of Forests, Rajahmundry, the 1st respondent herein. The appeal was rejected on 20.02.2002. Hence, this Writ Petition.

On behalf of respondents, a counter-affidavit is filed stating that, admittedly the timber was not accompanied by any transit permit and that the compounding was done in accordance with the provisions of law.

Heard learned counsel for the petitioner and learned Government Pleader for Forests.

The petitioner himself admitted that the timber, that was being transported by him, is not accompanied by any transit permit. The fact, however, remains that his plea that the timber was purchased from a private owner and that it was grown in a patta land, was not disputed, or doubted. Section 59 of the Andhra Pradesh Forest Act, 1967, provides for compounding of offences. The amount to be levied towards compounding fee range from the value of the timber to four times such value. The extent of compounding fee that is to be levied, must be proportionate to the nature of offence and involvement of the accused. If the timber is taken away from a reserved forest with an object of smuggling it and it becomes possible to compound the offence, the compounding fee may be at its maximum. Where, however, the timber admittedly is from a private land and the only violation is about the failure to obtain transit permit, levy of four times the value of the timber cannot be justified. Except levying maximum amount towards penalty, the 2nd respondent did not indicate any reasons for such a severe step. The record discloses that a sum of Rs.15,000/- was already collected from the petitioner. This Court is of the view that such a levy would meet the ends of justice and further levy need not be made.

Hence, the Writ Petition is partly allowed, reducing the compounding fee to Rs.15,000/-. There shall be no order as to costs.

Dt.11.07.2007 **L.NARASIMHA REDDY, J**

GJ